

Title 6**ANIMALS****Chapters:**

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Chapter 6.04**DOG AND CAT LICENSE*****Sections:**

- 6.04.005 Purpose.**
- 6.04.010 License--Required--Fee.**
- 6.04.020 Tags.**
- 6.04.030 Violation--Penalty.**

6.04.005 Purpose. The purposes of this chapter are to promote humane treatment of all animals and to reduce the hazard, nuisances and conflicts created by irresponsible pet ownership and to promote effective enforcement of pet licensing requirements. (Ord. 2864 §2, 1978).

6.04.010 License--Required--Fee. No person shall own, harbor, or keep a dog or cat over the age of 5 months within the corporate limits of the city without first obtaining a license therefor from the city treasurer. Licenses for dogs shall be issued in compliance with Wisconsin Statutes Section 174.05 through 174.10. The license fee shall be as stated in the City of Eau Claire Fees and Licenses Schedule. Written proof of neutering or spaying shall also accompany the application in order to qualify for such reduced rate. The license year shall commence on January 1st and shall end on the following December 31st. Licenses shall not be transferable, license fees shall not be prorated nor refundable. Application for such license shall be made before April 1st of the current license year, or within thirty days of acquiring a licensable dog or cat. A late fee as stated in the City of Eau Claire Fees and Licenses Schedule shall be assessed and collected from every owner of a dog or cat 5 months of age or over, if the owner failed to obtain a license prior to April 1st of each year, or within 30 days of acquiring ownership of a licensable dog or cat or if the owner failed to obtain a license on or before the dog or cat reached licensable age. A valid rabies certificate shall accompany

* For statutory provisions regarding dogs generally, see WSA Ch. 174.

the application stating the name of the veterinarian who administered the inoculation, the date it was given, and the length of time during which such inoculation will be effective, which shall be at least as long as the license period. (Ord. 6363 §23, 2002; Ord. 5772, 1997; Ord. 5190, 1991; Ord. 4987, 1989; Ord. 4789 §12, 1987; Ord. 4613 §1, 1985; Ord. 4160, 1981; Ord. 4155 §1, 1981; Ord. 3864 §3, 1978; Ord. 3392 §1, 1973; Prior code §12.01(a)).

6.04.020 Tags. Upon receipt of the rabies certificate and the payment of said fee the treasurer shall issue a tag that shall be attached to the collar of such licensed dog. No person shall, negligently or otherwise, permit any dog to be untagged. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors, unless the dog is securely confined in a fenced area. No person other than the owner or a police officer in line of his duty shall remove the license tag from the dog. (Ord. 4174 §2, 1981; Ord. 3864 §4, 1978; Ord. 3392 §2, 1973; Prior code §12.01(b)).

6.04.030 Violation--Penalty. Any person who violates any provision of this chapter shall forfeit not less than twenty-five dollars nor more than one hundred dollars for each offense and, in default of payment thereof, shall be committed to the county jail of Eau Claire County. (Ord. 3864 §5, 1978).

Chapter 6.08

ANIMAL CONTROL

Sections:

6.08.010 Running at large.

6.08.020 Number per family.

6.08.030 Care of dogs and domesticated animals.

6.08.040 Barking.

6.08.050 Mad, vicious, suspicion of rabies--Quarantine and/or destruction.

6.08.055 Vaccination.

6.08.060 Animal excreta.

6.08.070 Violation--Penalty.

6.08.010 Running at large. A. No dogs, cats or other domestic animals shall negligently or otherwise, be permitted to run at large within the city limits. A dog, cat or other domestic animal shall be considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.

B. All dogs, cats or other domestic animals shall be kept on a leash no longer than eight feet at all times when off the premises of their owner.

C. No dog shall be permitted in a public cemetery, except when confined within a vehicle, or in a playground, schoolyard, beach or other posted area, except with the express permission of the authority in charge. (Ord. 4174 §3, 1981; Ord. 3864 §§7, 8, 1978; prior code §12.01(c)).

6.08.020 Number per family. No individual or family unit living together, firm or corporation shall keep more than two dogs and three cats over the age of three months within any residential district, excepting however, bona fide animal hospitals, pet shops and kennels. However, an animal control officer of the Eau Claire Police Department may, in his discretion, permit the keeping of more than two dogs and/or three cats by any person where no nuisance will be created. The decision of this person may be appealed to the administrative review board under the procedures specified in ch. 1.06. Appeal shall stay the contested administrative determination pending decision by the board. (Ord. 6572 §13, 2005; Ord. 5077, 1990; Ord. 3864 §9, 1978; Prior code §12.01(d)).

6.08.030 Care of dogs and domesticated animals. All dogs and domesticated animals shall be cared for, maintained and handled in a humane and sanitary manner and in such a way as to prevent noises, barking, fighting or howling or other disturbance of the peace and quiet of the neighborhood. No domestic animal shall be abandoned or turned loose by its owner or keeper. No animal shall be inhumanely confined in a manner which causes or is likely to cause pain, suffering, injury or death. (Ord. 3864 §10, 1978; Ord. 3392 §III, 1973; Prior code §12.01(e)).

6.08.040 Barking. No person shall keep or harbor within the city any dog which by loud or frequent or habitual barking, yelping or howling shall cause serious annoyance to the neighborhood or to persons passing to and fro upon the streets. (Prior code §12.01(f)).

6.08.050 Mad, vicious, suspicion of rabies -- Quarantine and/or destruction. A. Any dog, cat, or ferret, whether licensed or not, which is known to be, or if good reason exists to believe such animal is mad, rabid, vicious or dangerous to the public shall be impounded and disposed of according to law.

B. In all cases hereunder, if any dog, cat, or ferret is found to exhibit signs of rabies, it shall be destroyed and no person shall interfere with the city authorities or agents in carrying out their duties in this regard. All expenses thus incurred shall be paid by the owner or the person having custody of such dog, cat or ferret.

C. Any dog, cat, or ferret which has bitten any person and which shows evidence of a current rabies inoculation shall be quarantined at such place as designated by the health department for a minimum period of ten days. The dog, cat, or ferret shall be examined by a licensed veterinarian within 24 hours of a quarantine notice and again on the tenth day after the bite. If, in the opinion of the health department, the vaccinated animal cannot be confined securely at the residence of its owner or custodian, or exhibits signs of illness as determined by a licensed veterinarian, the dog, cat, or ferret shall be quarantined at a veterinary hospital under the supervision of a licensed veterinarian.

D. Any dog, cat, or ferret which has bitten any person and which does not display evidence of rabies inoculation shall be quarantined within 24 hours of the quarantine order at a veterinary hospital under the supervision of a licensed veterinarian for a minimum of ten days. "Supervision of a licensed veterinarian" includes, at a minimum, examination of the animal on the first day of isolation and on the last day of isolation. If the veterinarian certifies that the dog, cat, or ferret has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period. After such period of time, such veterinarian shall report his/her determination or findings thereof in writing to the health department.

E. Any domesticated wild animal that has bitten any person, inclusive of, but not limited to, wolf-dog hybrids, skunks and raccoons, shall be immediately destroyed by a licensed veterinarian and the proper specimen from the animal tested for rabies by the state lab of hygiene. All expenses connected therewith shall be charged to the owner or custodian of the animal.

F. If a dog, cat, or ferret is ordered to be quarantined because there is reason to believe the animal has been exposed to a rabid animal, and if the dog, cat, or ferret is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after exposure to a rabid animal.

G. If a dog, cat, or ferret is ordered to be quarantined because there is reason to believe the animal has been exposed to a rabid animal, and if the dog, cat, or ferret is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal re-vaccinated against rabies as soon as possible after exposure to a rabid animal.

H. No person shall keep or harbor any dog or other domesticated animal, whether licensed or not, which is known to be, or when there is good reason to believe the same to be mad, rabid, vicious or dangerous to the public.

I. The provisions of ss. 95.21 and 174.02(3), Wis. Stats., insofar as the same are applicable, are incorporated by reference and made a part of this section with the same force and effect as those set forth verbatim herein. Any amendments to those sections shall be adopted by reference as if they were fully set forth herein. (Ord. 5798, 1998; Ord. 5606 §1, 1996; Ord. 3392 §IV, 1973; Prior code §12.01(g)).

6.08.055 Vaccination. A. The owner of a dog or cat shall have the animal vaccinated by a licensed veterinarian on or before the date the animal reaches five months of age.

B. An owner who imports an animal into Eau Claire county that has reached five months of age must have the animal vaccinated by a licensed veterinarian as evidenced by a current certificate of rabies vaccination from this state or another state.

C. The owner of a dog or cat shall have the animal vaccinated:

1. Within one year after initial vaccination; or
2. Before the date that the immunization expires, as stated on the certificate; or
3. Within one year after the previous vaccination, if no date is specified on the certificate.

(Ord. 5606 §2,1996).

6.08.060 Animal excreta. The owner or person in charge of an animal shall promptly remove and dispose of in a sanitary manner any excreta deposited by such animal upon any public or private property. (Ord. 5095 §1, 1990; Ord. 3864 §11(part), 1978).

6.08.070 Violation--Penalty. Any person who violates any provision of this chapter shall forfeit not less than ten dollars nor more than one hundred dollars for each offense and, in default of payment thereof, shall be committed to the county jail of Eau Claire County. (Ord. 4072 §1, 1980; Ord. 3864 §11(part), 1978).

Chapter 6.10**PET SHOPS AND KENNELS****Sections:**

- 6.10.010 Definition.**
- 6.10.015 State law adopted.**
- 6.10.020 License required--Application--Term.**
- 6.10.030 Operation.**
- 6.10.040 Revocation--Suspension--Appeal.**
- 6.10.050 Violation--Penalty.**

6.10.010 Definition. A. "Pet shop" means any business enterprise which regularly engages in raising, training, buying, selling or boarding of any species of animal, except dogs, for hire or profit, but not including an animal hospital.

B. "Kennel" means any establishment wherein or whereon dogs are kept for the purpose of breeding, sale or sporting purposes. (Ord. 5684 §1, 1997; Ord. 3864 §12(part), 1978).

6.10.015 State law adopted. The provisions of Wisconsin Statutes Section 174.053 are adopted and made a part of this chapter by reference. (Ord. 4155 §2, 1981).

6.10.020 License required--Application--Term. A. No person shall operate a pet shop or kennel without first obtaining a license from the city clerk. The license shall not be transferable between persons or locations. A written application for such license shall be filed with the city clerk, which shall contain the name and address of the applicant, the location of the proposed pet shop or kennel and such other information as may be required by the clerk.

B. The license year for a pet shop license shall be from July 1 to June 30. The annual license fee shall be as stated in the City of Eau Claire Fees and Licenses Schedule.

C. The license year for a kennel license shall be from January 1 through December 31. The annual license fee for a kennel license shall be as stated in the City of Eau Claire Fees and Licenses Schedule.* (Ord. 6363 §24, 2002; Ord. 5684 §§2, 3, 1997; Ord. 3864 §12(part), 1978).

6.10.030 Operation. Every pet shop and kennel, including all places of confinement and all other facilities therein, shall be maintained in a clean and sanitary condition, and no refuse or waste material shall be allowed to accumulate thereon which is detrimental to the animals in the pet shop or kennel. All animals kept thereon shall be humanely treated and confined. Any animal having any disease shall be properly isolated and treated and shall not be sold. (Ord. 3864 §12(part), 1978).

6.10.040 Revocation--Suspension--Appeal. A license issued under this chapter may be revoked or suspended by the city clerk during its term for failure or refusal to comply with the provisions of this chapter or with any other governmental law, rule or regulation governing the keeping or protection of animals. A license may be suspended for not exceeding two days, without notice or hearing, in the event of a violation of this chapter which presents an immediate and extensive danger to the health, safety or welfare of persons or animals. A license may be suspended for longer than two days or revoked, and the licensee shall be entitled to an appeal from the afore stated determination to the administrative review board under the procedures specified in ch. 1.06. During suspension, no sales of pets or other business or transactions involving such pets shall be performed by the licensee, but the provisions of Section 6.10.030 shall continue to apply to the licensed premises. Within ten days following revocation, all pets shall be humanely disposed of and no part of the license fee shall be refunded. Appeal shall stay the contested administrative determination pending decision by the board, but the provisions of this chapter shall continue to apply. (Ord. 6572 §14, 2005; Ord. 3864 §12(part), 1978).

* Ed. Note: Ordinance 4684 provided as follows: "The term for kennel licenses currently in effect, which have a license term from July 1, 1996 through June 30, 1997, shall be extended through December 31, 1997. Thereafter, the license term shall be as provided under s. 6.10.020 C., created in Section 3 of this ordinance."

6.10.050 Violation--Penalty. Any person who violates any provision of this chapter shall forfeit not less than twenty-five dollars nor more than one hundred dollars for each offense and, in default of payment thereof, shall be committed to the county jail of Eau Claire County. (Ord. 3864 §12(part), 1978).

Chapter 6.11

TREATMENT OF ANIMALS

Sections:

6.11.010 Care of animals.

6.11.020 Violation--Penalty.

6.11.010 Care of animals. A. Cruelty. In this section, "cruel" means causing unnecessary pain or suffering or unjustifiable injury or death. No person may treat any animal, whether belonging to such person or another person, in a cruel manner. This section does not prohibit bona fide experiments carried on for scientific research or normal and accepted veterinary practices.

B. Use of Poisonous and Controlled Substances. No person may expose any domestic animal to any known poisonous substance listed in Wisconsin Statutes, Section 161.14, whether mixed with meat or other food or not, so that the substance is liable to be eaten by the animal and for the purpose of harming the animal. This section shall not apply to poison used on one's own premises for the purpose of rodent or pest extermination nor to the use of controlled substances in bona fide experiments carried on for scientific research or in accepted veterinary practices.

C. Feed, Shelter, Treatment. Each owner or person in charge of an animal shall provide his or her animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and shall provide humane care and treatment.

D. Instigating Fights Between Animals. No person may instigate, promote, aid or abet as a principal, agent, employee or spectator, or participate in the earnings from, or intentionally maintain or allow any place to be used for a cockfight, dog fight, bullfight or other fight between the same or different kinds of animals or between an animal or a person. This subsection does not prohibit events or exhibitions commonly featured at rodeos. No person may own, possess, keep or train any animal with the intent that the animal be engaged in an exhibition of fighting.

E. Abandonment. No owner of an animal shall intentionally abandon such animal.

F. Striking Animal. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and shall immediately report such injury or death to the animal's owner, if the ownership can be ascertained. In the event the owner cannot be ascertained and located such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane officer or association. (Ord. 5095 §2, 1990; Ord. 3864 §13(part), 1978).

6.11.020 Violation--Penalty. Any person who violates any provision of this chapter shall forfeit not less than twenty-five dollars nor more than one hundred dollars for each offense and, in default of payment thereof, shall be committed to the county jail of Eau Claire County. (Ord. 3864 §13(part), 1978).

Chapter 6.12

KEEPING CERTAIN ANIMALS

Sections:

- 6.12.010 Prohibited animals.**
- 6.12.015 Snakes.**
- 6.12.020 Cattle and goats.**
- 6.12.030 Swine.**
- 6.12.040 Cows, swine and goats to be registered.**
- 6.12.060 Barnyard sanitation.**
- 6.12.070 Violation--Penalty.**

6.12.010 Prohibited animals. A. No person, firm, or corporation shall keep, feed, or breed any fur bearing animal or game animal, as defined in sec. 29.001(30) and (36), Wisconsin Statutes.

B. No person, firm, or corporation shall keep, feed, or breed any member of the feline family, other than domestic cats.

C. No person, firm, or corporation shall keep, feed, or breed any domestic fowl.

D. This section shall not apply to domestic rabbits, defined as those rabbits that are normally born and raised in captivity.

E. This section shall not apply to animals in the possession of a wildlife rehabilitator who is licensed by the state of Wisconsin, Department of Natural Resources, while such animal is being lawfully nurtured or rehabilitated for release in the wild. No animal may be kept under this exception for a period of more than 55 days. No animal may be kept under this exception that poses a danger to the community. (Ord. 6113, 2000; Ord. 5283 §1, 1992; Ord. 4504, 1984; Prior code §12.02).

6.12.015 Snakes. A. For purposes of this section, "poisonous" shall mean having the ability to cause serious harm or death by the transfer of venom or poison to a person or animal.

B. No person shall keep or possess any snake in the city which is poisonous or in excess of 10 feet in length. This prohibition shall not apply to bona fide zoos, educational institutions or exhibitions keeping such snakes for display or for instructional or research purposes. Any person legally possessing any such animal in this capacity shall notify the chief of police in writing of the location and type of snake being kept and the purpose for such possession.

C. Section 6.12.015 shall be effective January 1, 1999. (Ord. 5886, 1998).

6.12.020 Cattle and goats. The keeping of cattle or goats within the city is forbidden, except in the outlying districts which are essentially rural, and in such districts the same shall be kept in a barn or stable distant from any neighbor's dwelling or store as follows: Any single critter shall be kept at a distance of not less than seventy-five feet, and any larger number of cattle or goats shall be kept at a distance of not less than two hundred feet. (Prior code §12.03).

6.12.030 Swine. The keeping of swine of any size within the city is forbidden, except in the outlying districts which are essentially rural, and in such districts the same shall be kept in barns or structures not less than two hundred feet distant from any neighbor's dwelling or store. (Prior code §12.04).

6.12.040 Cows, swine and goats to be registered. All swine, cows and goats shall be registered immediately by their possessor with the department of health. Such possessor shall notify in writing the department of the death or loss of any such animal or its transfer from one person to another. Such possessor shall likewise at any time give such information in writing to said department as it may require. (Prior code §12.05).

6.12.060 Barnyard sanitation. A. All places and structures wherein any animal is kept shall be maintained in a clean and sanitary condition and shall at all times be subject to inspection and such reasonable regulations as to its maintenance and location as the department of health may make.

B. Manure. For provisions regarding manure see Section 8.32.160. (Ord. 5283, §3, 1992; Prior code §12.07).

6.12.070 Violation--Penalty. Any person who violates any of the provisions of this chapter or any regulation or order made therein, shall, upon conviction, forfeit not more than fifty dollars and in default of payment of said forfeiture and costs shall be imprisoned in the county jail not exceeding fifteen days. (Prior code §12.10).

Chapter 6.16**PIGEONS****Sections:****6.16.010 Definitions.****6.16.060 Conditions for keeping and maintaining.****6.16.070 Violation--Penalty.**

6.16.010 Definitions. The following definitions shall apply only in the interpretation and enforcement of this chapter:

- A. "Loft" includes any and all quarters in which pigeons are housed.
- B. "Pigeon" includes any and all varieties and breeds of pigeons.
- C. This chapter shall apply to the keeping and harboring of pigeons for any purpose within the corporate limits of the city of Eau Claire. (Ord. 5207 §2, 1992; Prior code §12.11(1)).

6.16.060 Conditions for keeping and maintaining. It is a violation of this chapter for any person, firm or corporation to harbor, keep or maintain pigeons upon other than the following conditions unless varied by provisions of chapter 18.35:

- A. No loft, coop or other place for keeping or confining pigeons shall be maintained or operated in any manner which violates the city building code or zoning ordinance.
- B. All premises on which pigeons are kept and maintained shall be kept reasonably clean and free from filth, garbage and such substances which attract rodents at all times.
- C. All pigeons shall be fed within the confines of the loft or premises on which pigeons are housed.
- D. All grains and food stored for the use of pigeons shall be kept in rodent-proof containers.
- E. Pigeons shall be exercised and permitted to fly only when under control of the licensee or a representative of the licensee.
- F. All aviaries shall be completely enclosed with wire netting or equivalent material that will prevent pigeons from escaping the confines of the loft or coop.
- G. The loft floor area shall not exceed two hundred square feet.
- H. The outline of the loft to house said pigeons shall be of such design to conform with the symmetry of the existing buildings.
- I. Any loft housing pigeons shall be elevated a minimum of six inches and maximum of twelve inches above grade to insure free-way beneath the loft; further, the loft shall rest upon concrete footings and piers, cement blocks, or other suitable foundation material. Any loft built expressly to house pigeons shall have a maximum height of nine feet.
- J. The property upon which pigeons are kept shall have established a principal use conforming to the zoning ordinance. (Ord. 5207 §§3, 4, 5, 1992; Prior code §12.11(2)(e)).

6.16.070 Violation--Penalty. Any person who violates any of the provisions of this chapter shall forfeit a penalty not exceeding twenty-five dollars and the costs of prosecution for each and every offense, and in default of payment thereof, shall be committed to the county jail of Eau Claire County until such forfeiture and costs are paid, not exceeding ten days, unless said forfeiture and costs and expenses of prosecution are sooner paid. (Prior code §12.11(2)(f)).

Chapter 6.20

SQUIRRELS*

Sections:

6.20.010 Protection.

6.20.020 Nest--Molesting unlawful.

6.20.030 Dogs--Hunting squirrels prohibited.

6.20.040 Traps--Unlawful.

6.20.010 Protection. No person shall at any time or place within the city kill or injure any squirrel of any kind, except for the activities undertaken by, or with permission of, the director of parks and recreation pursuant to Section 9.76.120, with required permission having been obtained from appropriate authorities. (Ord. 3827, 1977; Ord. 3462 §1, 1974; Prior code §12.08(a)).

6.20.020 Nest--Molesting unlawful. No person shall at any time destroy, injure or in any manner interfere with the nest, whether natural or artificial, or the box or house of any squirrel of any kind. (Prior code §12.08(b)).

6.20.030 Dogs--Hunting squirrels prohibited. No person shall knowingly permit any dog, within his charge or control, to hunt, worry, injure or in any manner molest any squirrel of any kind within the city. (Prior code §12.08(c)).

6.20.040 Traps--Unlawful. No person shall at any time set, lay or prepare any trap or other contrivance or device whatever with the intent to kill any squirrel of any kind within the city, whether the same are caught or not. (Ord. 3462 §2, 1974; Prior code §12.08(d)).

Chapter 6.25

HUNTING

Sections:

6.25.010 Hunting.

6.25.010 Hunting. No person shall hunt any fur-bearing animal or bird within the city limits. This section shall not apply to bow and arrow hunting of deer when it has been determined by the director of parks and recreation that such hunting is necessary for proper game management or to protect parks or other property. Additionally, a permit for such hunting must be issued by the chief of police stating that the activity would not pose a threat to health and safety in the area where such hunting shall take place. (Ord. 5222, 1992).

* For statutory provisions punishing cruelty to animals, see WSA 948.